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PRIOR ART

Claim1

Applicant respectfully submits that the Examiner has misunderstood the claimed invention. The claims cover cards that when first dealt have the suit alone on one side. When the player selects the card and proceeds to the next step in the game, both the suit and card value are displayed. This means the cards can never be dealt face down like a conventional card.

These are critical differences between Silliman and the claimed inventions. Silliman does not disclose cards that display the suit alone. This can easily be seen by reviewing Figures 1 to 6 of Silliman. None of those Figures shows the suit alone. This major and incontrovertible difference alone demonstrates that Silliman did not anticipate the claimed invention.

Silliman is a conventional playing card that has the numbers 1 to 4 on the card backs. The numbers on the card backs do not correspond in any way to the card value or the card suit. For example, in Silliman the 3 of hearts and the 9 of hearts could both be marked "1," but in Applicant's invention the cards would both initially appear as a heart.

Nevertheless, Applicant will amend the claims, as set forth in the proposed amendment annexed below so the claims read "card values" instead of "value" to further distinguish the invention from Silliman. In Silliman the card value and the card suit are always displayed together.

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Claim 2

Claim 2, like claims 1, in relevant part states: "cards have the suit on one side but not the card value and both the suit and card value on the other." As explained above, Silliman does not have cards that have the suit on one side without the card value.

Hoyt does not add anything. Hoyt does not disclose cards where the suit alone is displayed first and then both the suit and card value are displayed.

Claims 3-5 and 25

Like Silliman, Stanton does not disclose cards that when first dealt have the suit alone. Indeed, the Figure in Stanton shows the card backs and does not show the suit or the card value. This means without question Stanton does not disclose cards that have the suit on one side and the suit and card value on the other side. Stanton merely has a mark on an otherwise non-descriptive back that permits cards to be grouped together easily.

Therefore, even if these references were combined the resulting game would not be the claimed invention.

Additionally, none of these references discloses dealing cards in a diamond shape, or exchanging cards, which further demonstrates that combining reference would not yield the claimed invention.

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Claim 13

For the same reasons as discussed above, Silliman does not disclose cards with the suit on one side separated from the card value on the other side. It simply is not there.

Claim 18

To arrive at the conclusion that claim 18 was obvious, the Examiner combined Moody and Silliman. In addition to the absence of key limitations discussed above, Silliman does not suggest any applicability to poker and Moody does not disclose a game where the player selects from more than five cards to build a five card hand. Instead, Moody repeats identical five cards hands multiple times. In Moody's game, the cards are "duplicated" from one hand to another. (See col. 1, lines 22-24).

Therefore combining Moody with Silliman will not yield Applicant's invention, or anything close to this novel game.

Claims 22-24

The Examiner rejected claims 22-24 as obvious in light of the combination of Silliman, Hoyt and Moody. For reasons, explained in detail above, this combination of unrelated card games does not result in the claimed invention.

SECTION 112 REJECTIONS

FIRST PARAGRAPH

In the November 28, 2003 Office Action, the Examiner rejected claims 1-5, 13, 18 and 19-25 because in her view:
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"The claims contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims are amended to include both suit and value on one side and a suit or value on the other side. This is not supported by the specification." (pages 2-3).

Applicant respectfully, but strenuously, disagrees. The Examiner incorrectly stated (emphasis added):

"The claims are amended to include both suit and value on one side and a suit or value on the other side."

When the card is first dealt it displays the suit only. After the card is selected, both the suit and card value are displayed.

That Applicant had possession of the claimed invention is shown quite clearly in Figure 1 and the accompanying text in the specification. The caption on the left side of Figure 1 is: "Side One;" it shows five cards labeled 10, 20, 30, 40 and 50. Each card displays a suit only: 10(spade); 20(club); 30(diamond); 40(diamond) and 50(heart). Side one of these cards does not display a card value -- just as claimed.

The accompanying text of the specification states (page 2): "The novel aspect of the game is that the player would know the suit of all five cards but would not know the value, which would be 'face down' and hidden." Therefore, there is more than ample support for the limitation: "when each card is dealt it displays the suit but not the card value[.]"

The specification explains that after these cards are dealt "[t]he player could the[n] bet, discard certain cards and get new cards to replace the cards he had discarded. The cards would then be revealed as shown in 10A, 20A, 30A, 40A and 50A." (page 2 of the specification).

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The right side of Figure 1, above the caption "Side Two" shows the second side of the cards. It shows five cards labeled 10A, 20A, 30A, 40A and 50A. Card 10A displays the card value, a queen, and a suit, spades (note: the suit (spade) is the same as had been displayed in card 10); card 20A displays a card value, king, and a suit, club; card 30A displays the card value, ace, and the suit diamond; card 40A displays the card value, ten, and the suit diamonds; card 50A displays the card value, jack, and the suit heart. Therefore, the claim limitation: "when a player selects a card both the suit and card value are displayed[,]" is plainly supported in the specification.

Figure 1 above the caption "Side Two" shows the cards as described in the claims -- both the card value and the suit are displayed.

Applicant respectfully believes he has overcome the section 112, first paragraph rejection. All claim limitations are supported in the specification.

SECTION 112, SECOND PARAGRAPH

The Examiner rejected claims 26-29 under section 112, second paragraph.

Without conceding this point, Applicant has cancelled claim 26-29 to advance prosecution.

SPECIFICATION

Under the heading "Specification", the Examiner stated "[c]laims 1 & 3-5 are objected to because of the following informalities: it is unclear whether applicant is claiming apparatus or a method of play."

Applicant will amend these claims to cover methods.

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